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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

DECISION
ON PETITION

In re Application of:
Daniel Alan Brokenshire, et al.
Application No. 09/833,348
Filed: April 12, 2001
For: **METHOD AND APPARATUS FOR
GENERATING GAMMACORRECTED
ANTIALIASED LINES**

This is a response to the Petition to Withdraw Holding of Abandonment, filed September 22, 2005. The petition is being treated under 37 CFR 1.8(b) to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a response to the Final Office action mailed September 24, 2003, which set a shortened statutory period of three (3) months to reply. A Notice of Abandonment was mailed on September 8, 2005.

Petitioner alleges to have timely filed a Notice of Appeal on December 19, 2003 and an Appeal Brief on February 19, 2004. To support this position, Petitioner has included with the instant petition a copy of an Auto-Reply Facsimile Transmission evidencing receipt of the Notice of Appeal by the PTO on December 19, 2003 and a copy of a date-stamped postcard evidencing receipt of the Appeal Brief by the PTO on February 19, 2004.

A review of the file finds that the original Notice of Appeal was located and matched to the file. However, the originally filed Appeal Brief was not matched with the file and cannot be located. However, M.P.E.P. § 503 states, “[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO.” Accordingly, it is concluded that the Appeal Brief was timely filed in the Patent and Trademark Office but not matched with the application file.

Petitioner has met the requirements above. Accordingly, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The application will be forwarded to the Technology Center's technical support staff for entry of the Notice of Appeal and Appeal Brief. From there, the file will be forwarded to the examiner for appropriate action in due course.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications